

REMARKS

The present Amendment is in response to the Examiner's Office Action mailed October 16, 2007. Claims 1-14 were previously canceled. Claims 15-18, 20, 24-27, 29, 30, 33-36, 38, and 39 are amended. Claims 15-41 are now pending in view of the above amendments.

Applicants respectfully request continued examination of the application in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants understanding and discussion of the references, if any, is consistent with the Examiner's understanding. Also, Applicants arguments related to each cited reference are not an admission that the cited references are, in fact, prior art.

I. CLAIM REJECTION UNDER 35 U.S.C. § 102(b)

The Examiner rejects claims 15-16, 18, 20-25, 27, 29-34, 36 and 38-41 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,287,636 to Neufeldt (hereinafter "NEUFELDT").

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the...claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

The claims have been amended to overcome the rejections under NEUFELDT. NEUFELDT discloses a vehicle 10 with a side loading bucket assembly 35. Col. 2, ln. 14-16, 32-40. The vehicle 10 includes a body 15 with a material receiving compartment therein positioned above an axle joining the wheels that support the truck. Col. 2, ln. 14-31; FIGS. 1 and 4.

However, NEUFELDT neither expressly nor inherently discloses each and every element set forth in independent claims 15, 24, and 33 as amended herein. Among other elements that NEUFELDT fails to disclose are a chute that extends from the rear of the vehicle and extends substantially the width of the vehicle. Nor does NEUFELDT disclose a receiving member with a rim to retain material in a loading area. Therefore, NEUFELDT does not anticipate any of independent claims 15, 24, and 33.

Because NEUFELDT fails to disclose either expressly or inherently each and every element of amended independent claims 15, 24, and 33, the withdrawal of the 35 U.S.C. § 102(b) rejection of claims 15, 24, and 33 is respectfully requested.

Because claims 16, 18, 20-23 depend from allowable independent claim 15, the withdrawal of the 35 U.S.C. § 102(b) rejection of claims 16, 18, 20-23 is respectfully requested.

Because claims 25, 27, and 29-32 depend from allowable independent claim 24, the withdrawal of the 35 U.S.C. § 102(b) rejection of claims 25, 27, and 29-32 is respectfully requested.

Because claims 34, 36, and 38-41 depend from allowable independent claim 33, the withdrawal of the 35 U.S.C. § 102(b) rejection of claims 34, 36, and 38-41 is respectfully requested.

II. CLAIM REJECTION UNDER 35 U.S.C. §103(a)

The Examiner rejects claims 17, 19, 26, 28, 35, and 37 under 35 U.S.C. § 103(a) as being unpatentable over NEUFELDT.

Claims 17 and 19 depend from allowable independent claim 15. Claims 26 and 28 depend from allowable independent claim 24. And claims 35 and 37 depend from allowable independent claim 33. Therefore, as each of claims 17, 19 26, 28, 35, and 37 depends from an allowable independent claim, Applicant respectfully requests that the 35 U.S.C. § 103(a) rejection be withdrawn.

CONCLUSION

In view of the foregoing, Applicant believes that claims 15-41 as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or

which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 17th day of March, 2008.

Respectfully submitted,

/Craig Buschmann/

Craig Buschmann
Registration No. 57,829
Attorney for Applicant
Holme Roberts & Owen LLP
Customer No. 34013
Telephone: (801) 521-5800